

HOUSE No. 1029

By Ms. Rogeness of Longmeadow (by request), petition of Larry Silverstein and Mary S. Rogeness for legislation relative to the prevention of bullying in the public schools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT FOR THE PREVENTION OF BULLYING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 71 of the General Laws is hereby amended by adding
2 the following section:—

3 Section 90. Prevention of Bulling.

4 The following words and phrases, as used in this section, shall
5 have the following meaning unless context requires otherwise:

6 (a) “bullying” shall include all forms of harassment and shall
7 be defined as repeated acts, either physical, verbal, written or oth-
8 erwise, directly or indirectly committed against the will of an
9 individual which causes distress to that individual and/or the loss
10 of esteem, sense of self worth, or damage to the psyche to that
11 individual.

12 The Department of Education, or its successors or assigns, is
13 required to create mandates to all educational systems within its
14 realm of authority to establish a plan which has the objective to
15 establish and maintain an environment for students which is safe,
16 conducive to learning, positive and free of disruption and bul-
17 lying, in particular.

18 At a minimum, this plan is to incorporate the following features
19 which will be uniformly applied in the Commonwealth of Massa-
20 chusetts and are described in more detail below: a framework for
21 antibullying policy of no tolerance, a hierarchy for responsibilities
22 and accountability for teachers and administrators, a method for
23 identification and measuring the students’ environment at school

24 and in after school environments, a curriculum and continuing
25 professional education on bullying, reporting requirements, safe
26 havens to mitigate legal exposure, a process for improvements and
27 enhancements.

28 (a) Framework — All districts will establish an antibullying
29 policy which has zero tolerance. Students and their parents or
30 guardians will be required to review and acknowledge a standard
31 Code of Conduct at the beginning of each year, which sets the
32 expectations for behavior and establishes guidelines for discipli-
33 nary action. Such Code of Conduct will be applicable in all situa-
34 tions between one or more students regardless of where they
35 occur, whether written, oral or physical in nature. For documented
36 violations of this Code of Conduct, a graduated “4 strike” system
37 will be established as follows:

38 (i) First offense — Notification of student and parent and cor-
39 rective action meeting to be held

40 (ii) Second offense — One day automatic suspension

41 (iii) Third offense — One week automatic suspension

42 (iv) Fourth offense — expulsion for the balance of the school
43 years

44 (b) Responsibility and Accountability — The DOE will estab-
45 lish a clear hierarchy of responsibility of implementation of this
46 legislation.

47 Superintendents in each district are to be ultimately respon-
48 sible, followed by the priority positions of administrators for each
49 school.

50 Administrators will be accountable for meeting minimum stan-
51 dards and such evaluation will be a component of each adminis-
52 trator’s overall evaluation.

53 The DOE will be required to create disciplinary actions for
54 those administrators in each school district which fail to meet the
55 standards set by the DOE, including grounds for dismissal under
56 certain circumstances.

57 (c) Identification and ongoing measurement of the environment
58 — Standardized surveys of students are to be developed for var-
59 ious grade levels (1-4, 5-6, 7-8, and 9-12), and are to be com-
60 pleted in October, February and May of each year. Results are to
61 be compiled by an independent agency and results and rankings
62 made available to the public.

63 Corrective action reports are to be issued by those schools in
64 the bottom 25% of the Commonwealth.

65 (d) Bullying curriculums and continuing education for educa-
66 tors — The DOE will issue guidelines to its constituents requiring
67 a certain minimum number of hours of the annual curriculum be
68 dedicated towards educating students on the effects of bullying.
69 Administrators and educators are to be required to receive a min-
70 imum of 8 hours per year on topics related to bullying.

71 (e) Reporting and meeting requirements — The DOE will
72 establish guidelines for administrators and educators to report
73 documented events. In addition, administrators will be required to
74 communicate to both students and parents on the results of the
75 surveys and the school rankings against other schools in town and
76 the Commonwealth as a whole. Students will have a requirement
77 to meet with guidance counselors a minimum of 3 times per
78 school year. The DOE will develop a standard “report card” for
79 each student and each educator will be required to include their
80 assessments on the mental health aspects of each student as part of
81 their semester report cards. Bullying and socialization are to be
82 directly addressed. Educators are to have a minimum of 3, thirty-
83 minute mandatory conferences with parents to review report cards
84 and such conferences will include feedback from guidance coun-
85 selors.

86 (f) Safe havens from legal exposures — Administrators and
87 educators are the de facto fiduciaries of students. Meeting the
88 objectives of fiduciary responsibilities is addressed in the other
89 subsections. Safe havens are to be established to protect these
90 individuals from litigation provided they have complied with
91 Commonwealth guidelines, are not grossly negligent in their
92 duties, recognizing that they are not psychological professions and
93 their assessments are essentially their opinions.

94 (g) Process improvements — The DOE will have the responsi-
95 bility of process improvements. The DOE should work with spe-
96 cialty agencies and community organizations to develop pilot
97 programs whose successes will be duplicated in other districts.

98 Subparagraphs (a), (b), and (f) shall become effective on Sep-
99 tember 1, 2005.

100 Subparagraphs (c) and (e) shall become effective on January 1,
101 2006.

- 102 Subparagraph (d) shall become effective on August 31, 2006.
103 Subparagraph (g) shall become effective on August 31, 2007.
104 All other provisions of this act shall become effective upon its
105 passage.